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Approved For Release 2001/08/10 : CIA-RDP78-04718A001300030017-8

5-6429

8 June 1954

15 June

File
PWR

MEMORANDUM FOR: Addressees Noted Below with Distribution

SUBJECT: Proposed Regulation No. [REDACTED] Employment of
Consultants and Experts
(Job #373-TT)

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1. The subject Regulation is submitted for your concurrence and comment.
2. This Regulation incorporates current policies and practices relative to the employment of overt and semi-covert consultants and experts.

3. The Office of Personnel prepared this Regulation in response to specific instructions from the Deputy Director of Central Intelligence. In accordance with these instructions it is requested that your concurrence or comments be submitted as expeditiously as possible. Consequently a due date of one week from date of circulation has been set.

4. The Office of Personnel has performed working level collaboration with interested Offices. Any questions regarding this Regulation may be referred to [REDACTED] Office of Personnel, extension [REDACTED]

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5. Please indicate your concurrence and comment on the attached Concurrence Sheet and submit to this Staff by 15 June 1954.

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[REDACTED]
Chief, Regulations Control Staff

cc: Deputy Director (Administration) - 2
Deputy Director (Intelligence) - 10
Deputy Director (Plans) - 14
Director of Training - 3
Assistant Director for Communications - 3
Assistant Director for Personnel (Info copies) - 5
General Counsel - 1
Comptroller - 3
Inspector General - 1
Director of Security - 5

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TO: REGULATIONS CONTROL STAFF, 126 [REDACTED]

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CONCURRENCE SHEET

PROPOSED ISSUANCE: R [REDACTED] Employment of Consultants and Experts
DRAFT dated 8 June 1954

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CONCUR:

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- (a) Substance
(b) Rescissions: (1) CIA Regulation [REDACTED]
(2) Applicable provisions of Confidential Funds Regulation
5.1c, 5.7a through f., and 14.6
(3) CIA Notices [REDACTED]

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- (c) Classification
(d) Distribution

Signature

Office

Date

COMMENT

(Job #373-TT)

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REGULATION

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PERSONNEL
8 June 1954

EMPLOYMENT OF CONSULTANTS AND EXPERTS

- 25X1A
- Rescissions: (1) CIA Regulation [REDACTED]
(2) Applicable provisions of Confidential Funds Regulations 5.1c, 5.7a through f., and 14.6. (Provisions of these Regulations which pertain to covert consultants shall continue to be effective until superseded.)
25X1A (3) CIA Notices [REDACTED]

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Definitions		Terms of Employment
Policy		Visits in Washington, D.C. by Consultant
Responsibilities		Procedures

1. GENERAL

This Regulation establishes policies and procedures for the employment of consultants and experts in accordance with the authorities contained in Section 15 of the Act of August 2, 1946, (Public Law 600, 79th Congress) and Section 10 of the Central Intelligence Agency Act of 1949 (Public Law 110, 81st Congress). This Regulation ~~has no application to~~ /covert consultants who are engaged on a special contract basis for security or operational reasons.

2. DEFINITIONS

a. CONSULTANT

A consultant is an individual with unusual special skills, knowledge, or experience who is employed to serve in an advisory capacity to operating officials of the Agency. He may perform duties such as recommending solutions to problems of a highly technical nature, serving as a

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technical advisor on projects essential to operational activities, assisting operating officials in devising new and highly specialized methods or techniques of operations, or acting in a consultative capacity as a specialist in a highly technical field or as the possessor of broad administrative or professional knowledge. He may not perform duties of a supervisory or administrative nature within the Agency or engage in any other type of operational activity except as incidental to the performance of his advisory function. In this

respect, consultants are distinguishable from experts and other types of temporary personnel as defined in [REDACTED]

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b. EXPERT

An expert is an individual with exceptional qualifications and attainment in a particular line of work who is employed to perform a regular service of a highly technical, professional, or administrative nature essential to the accomplishment of a certain function of the Agency. He may perform duties such as developing and putting into effect solutions to operating problems of a highly technical nature, supervising the execution of a highly technical function, conducting responsible activities which are integral parts of operating procedures, and making operational decisions as a specialist in a highly technical field of knowledge. An expert may have continuing operational, supervisory, or administrative responsibilities during each period of actual duty, since his primary function is to carry out operations for which his training and experience qualify him.

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3. POLICY

The Agency will obtain the services of consultant and expert personnel when there is a need for such exceptional or specialized services which cannot be met from available personnel resources. An individual may be employed as a consultant or an expert only when this type of employment is beneficial to the Agency from an administrative and financial standpoint and his services are not generally obtainable under regular employment procedures.

4. RESPONSIBILITIES

- a. The Director of Central Intelligence or his Deputy is responsible for final approval of the employment of specific individuals as consultants or experts.
- b. The Deputy Directors (Plans), (Intelligence), and (Administration), the Director of Training, the Assistant Director for Communications and the Assistant Director for Personnel (hereinafter referred to as the Chiefs of Major Components) are responsible for ensuring that the utilization of consultants and experts is consistent with the policy set forth in paragraph 3 above. Chiefs of Major Components will ensure within their jurisdictions that each request for employment of a consultant or an expert is fully documented and forwarded to the Assistant Director for Personnel for review and recommendation to the Director of Central Intelligence, or his Deputy, for approval.
- c. The Assistant Director for Personnel is responsible for ensuring that the procedural requirements set forth in this Regulation are observed;

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for reviewing individual requests for employment of consultants and or experts and submitting his recommendations in such cases, including an opinion on the appropriate rate of compensation, to the Director of Central Intelligence; and for conducting periodic reviews of the employment or extensions of the employment of consultants and experts.

5. PRIOR APPROVALS AND CONTACT CLEARANCE

- a. No approach will be made to any person respecting service as an Agency consultant or expert without prior clearance with the Chief of the Major Component concerned and receipt of a favorable indices check from the Security Office.
- b. No commitment regarding employment of any kind will be made to a prospective consultant or expert prior to approval of the proposed employment by the Director of Central Intelligence or his Deputy.

6. TERMS OF EMPLOYMENT

a. PERIOD OF SERVICE

(1) Consultants

Consultants may be employed for a fixed or indefinite period not to exceed the fiscal year in which appointed. Such employment will normally be on an intermittent basis for a period of less than one calendar month in duration at any one time. If an individual, employed initially as a consultant, serves continuously for one calendar month or more, he becomes for certain purposes, a temporary employee, as indicated in 6c and d below.

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Experts will normally be employed on an intermittent basis. They may not be employed continuously in any single capacity in one unit for more than one year, regardless of the calendar period over which it is served. Neither may one expert succeed another expert in the same unit performing the same duties when the aggregate of the two periods of service will exceed one continuous year.

- (1) Consultants and experts will be compensated in an amount commensurate with their respective duties and responsibilities and qualifications, or they may serve without compensation.
- (2) Ordinarily, consultants will be paid on a daily basis and experts will be paid for hours spent in a duty status. Consultants or experts may be paid however, on a fee basis if required by needs and circumstances. An intermittent consultant or expert will not be paid in excess of \$50 per day.

- (1) Consultants and experts are entitled to payment or reimbursement of travel expenses and per diem in lieu of subsistence, when traveling between their homes or places of business and Washington, D.C., or other place of duty.
- (2) If a consultant or expert serves continuously for one calendar month or more, he loses the right to such travel and per diem and must repay all ~~moneys~~ he may have already received for travel and per diem in lieu of subsistence.

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(3) Notwithstanding paragraph c(2) immediately above, the Assistant Director for Personnel may, in exceptional cases of service for longer continuous periods, authorize payment of travel and per diem and he may waive the repayment of moneys already received. Such an authorization will be based on a determination that the individual's status is in fact most nearly that of an intermittent consultant or expert and the individual concerned will not accrue the leave benefits indicated in 6d(2) below as a result thereof. Such exceptions will not be made unless the period of service beyond the calendar month is dictated by operational necessity and is limited to a few additional working days.

- (a) The request must be approved by the Chief of the Major Component concerned and addressed to the Assistant Director for Personnel and will be accompanied by a completed Travel Order. It must fully justify the exception and designate the exact number of additional days the individual's services will be required.
- (b) The Assistant Director for Personnel will obtain the recommendation of the General Counsel before taking final action. If he approves the request, he will sign the Travel Order as the Authorizing Official and will forward it to the Comptroller for settlement.

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d. LEAVE AND RETIREMENT BENEFITS

- (1) Consultants and experts who are serving on an intermittent basis are not entitled to accrue annual and sick leave. Neither are they entitled to Social Security or civil-service retirement benefits except when an individual is subject to the Civil Service Retirement Act by reason of his appointment as a consultant or expert without a break in service ^{following} employment in which he had civil-service retirement status.
- (2) Consultants and experts who serve continuously for one calendar month or more are entitled to accrue annual and sick leave, in accordance with the provisions of the Annual and Sick Leave Act of 1951, for those periods of employment which equal or exceed 90 continuous calendar days. Social Security deductions will not be made for such individuals who are engaged through a contract instrument

7. VISITS IN WASHINGTON, D. C. BY CONSULTANTS AND EXPERTS

Using offices will advise the Assistant Director for Personnel of impending visits of consultants or experts, giving the time and dates, where there is reason to believe that other offices can benefit from such visits.

8. PROCEDURES

a. REQUESTING AND PROCESSING EMPLOYMENT OF CONSULTANTS AND EXPERTS

- (1) Requests for the employment of consultants and experts will be prepared on Standard Form 52, Request for Personnel Action, and directed to the Assistant Director for Personnel. The request will be accompanied by the following:

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- (a) A memorandum of justification containing the following information:
- (1) A statement of the contemplated duties and responsibilities, frequency of use and duration of employment (Form 37-178, Position Description, may be used for the statement of duties and responsibilities);
 - (2) An explanation as to why other personnel resources of the component, including any consultants, cannot be utilized;
 - (3) The proposed rate of compensation, if any;
 - (4) Reasons for using a consultant or expert rather than a temporary employee, compensated at a General Schedule rate. This justification will indicate the relative administrative and financial effects of employing a consultant or expert as compared with other temporary employees.
- (b) Personal History Statement and Appendix I and Appendix II, if applicable.
- (2) Since many highly qualified persons are willing to furnish service to the Agency without monetary reward, the Chief of the Major Component concerned will consider the possibility of obtaining an individual's services on a "without compensation" (WOC) basis before requesting his employment as a consultant or expert on a compensated basis. Employment on a WOC basis will be processed in

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the same manner as employment of paid consultants and experts in order to permit the individuals concerned to receive the other benefits to which consultants and experts are entitled.

- (3) The Assistant Director for Personnel, or his designee, will review each request for employment of a consultant or expert to determine if existing personnel resources are adequate to meet the requirement. If this review indicates that the Agency already has a staff employee, a consultant or an expert qualified to meet the new requirement, the requesting office will be so advised and the necessary arrangements made for joint utilization of the individual already employed, if he is otherwise available and the Director of Security concurs. If there is no qualified individual presently employed by the Agency and available for the assignment, processing of the request by the Office of Personnel will continue. Such processing will include a review of the rate of compensation proposed by the requesting office in order to determine the rate of compensation to be recommended to the Director of Central Intelligence. This recommendation will insofar as practicable, take into account classification principles and practices applicable to regular positions in the Agency.
- (4) The memorandum of justification received with the SF-52 will be detached and forwarded with the recommendation of the Assistant Director for Personnel to the Director of Central Intelligence for

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final approval. The Office of Personnel will advise the Chief of the Major Component concerned of the Director's action.

(5) Approved requests will be processed as prescribed below:

(a) The Office of Personnel will notify the requesting office that the individual has been security cleared.

(b) Determination will be made regarding the date the consultant or expert will report to the office concerned. Prior to the time an individual reports for duty in Washington, D.C., the requesting office will inform the Office of Personnel of the reporting date and will refer the individual to the Office of Personnel at that time for processing. If the individual's first assignment is to be performed in a locality outside the Washington, D.C. area, the requesting office will indicate this fact in the Remarks section of the SF-52 when it is initiated in order that the necessary processing can be concluded.

(c) Arrangements will be made for the consultant or expert to be photographed and fingerprinted and to receive a security briefing, as appropriate.

(1) Each consultant or expert who enters on duty in Washington, D.C. will be fingerprinted on the same day of his processing, except that the Security Office may consider this requirement to be unnecessary for an individual who is obtained from another Federal agency.

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- (2) If an individual is to perform his first assignment in a locality outside the Washington, D.C. area, arrangements will be made to obtain his fingerprints prior to the assumption of his duties.
- (a) If the requesting office has no security objections to possible disclosure of the individual's affiliation with the Agency, it will forward two copies of the fingerprint form used by the Agency to the individual along with the Personal History Statement. The fingerprint form may be obtained from the Office of Personnel. The individual will be instructed to secure fingerprints from an Agency contact office, local FBI office, State police unit, municipal police department or post office. This form will be submitted to the Office of Personnel along with the Personal History Statement, and the SF-52 will contain a statement that fingerprints were obtained.
- (b) If security considerations preclude possible identification of the individual with the Agency, the requesting office will indicate in the Remarks section of the SF-52 that the Office of Personnel should arrange to obtain the fingerprints in a secure manner.

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- (d) The Office of Personnel will prepare a Personal Service Contract, Form 37-53, and obtain the approval of the contract, when appropriate, by the Office of the General Counsel. The form will designate a waiver of compensation whenever a consultant or expert agrees to serve without compensation.
- (6) Any material alteration of the terms of the contract, including the conversion of a consultant or expert from a WOC basis to a compensation status, will be processed in accordance with the procedures in 8a (1), (3), (4) and (5) above, as applicable.
- b. REVIEW OF CONSULTANT AND EXPERT EMPLOYMENT
- (1) The Office of Personnel will establish and maintain appropriate record systems for reviewing Personal Service Contracts at least thirty days prior to their expiration.
- (2) Requests for extension of consultant or expert services will be made to the Office of Personnel at least one month prior to the expiration of the current agreement. The renewal or extension of consultant or expert contracts requires the concurrence of the Director of Security and the prior written approval of the Director.
- (3) The Assistant Director for Personnel will review quarterly the employment of consultants and experts by the Agency and take such final action or make such recommendations to the Director in connection therewith as may be appropriate.

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